

Case 1:11-cv-04868-ENV-LB Document 2 Filed 08/05/11 Page 1 of 11 PageID #: 108

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

11-GV-5737

Raymond DAVIS 4411106788

RECEIVED  
SACNY PRO SE OFFICE

(In the space above enter the full name(s) of the plaintiff(s).)

2011 AUG -5 PM 4:30

**COMPLAINT**

under the

Civil Rights Act, 42 U.S.C. § 1983  
(Prisoner Complaint)

-against-

COP Klein 930495

John Doe  
John Doe  
John Doe  
John Doe

Jury Trial:  Yes  No

(check one)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

**I. Parties in this complaint:**

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Raymond DAVIS  
ID # \_\_\_\_\_  
Current Institution 1 Halleck St  
Address V.C.B.C.  
BRONX NY 10474

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

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Defendant No. 1 Name Klein Shield # 930418  
 Where Currently Employed 112 Police Department  
 Address 68-40 Austin St  
Forest Hills NY 11375

Defendant No. 2 Name John Due Shield #  
 Where Currently Employed 112 Police Dept  
 Address 68-40 Austin St  
Forest Hill 11375

Defendant No. 3 Name John Due Shield #  
 Where Currently Employed 112 Police Department  
 Address 68-40 Austin St  
Forest Hill 11375

Defendant No. 4 Name John Due Shield #  
 Where Currently Employed 112 Police Department  
 Address 68-40 Austin St  
Forest Hill NY 11375

Defendant No. 5 Name John Due Shield #  
 Where Currently Employed 112  
 Address 68-40 Austin St  
Forest Hill 11375

**II. Statement of Claim:**

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

- A. In what institution did the events giving rise to your claim(s) occur? \_\_\_\_\_
- B. Where in the institution did the events giving rise to your claim(s) occur? \_\_\_\_\_
- C. What date and approximate time did the events giving rise to your claim(s) occur? \_\_\_\_\_

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A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes  No

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

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B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes  No  Do Not Know

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes  No  Do Not Know

If YES, which claim(s)? \_\_\_\_\_

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes  No

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes  No

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance?

IN Kew GARDENS 125-01 QUEENS BOULEVARD

1. Which claim(s) in this complaint did you grieve? About what happened to me

2. What was the result, if any? I win two chrysanthemum dollars

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process? They still investigating the case

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F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here: \_\_\_\_\_

D. Facts: TO HOWM EVER IT CONCERNS OF ALL LEGAL MATTER  
 I PAVITRON DAVIS IS WRITTEN THIS FORMAL  
 COMPLAINT AGAINST THE NEW YORK CITY NY PD  
 QUEENS 112 POLICE DEPARTMENT FOR ASSAULT IN  
 ON THE ABOVE PLACE DATE 7-8-11 AND WAS  
 AT APPROX: 3:45 PM AFTERNOON POLICE ARRESTED I  
 WITH OUT FEELING ME MY RIGHTS PUT HAND CUFF  
 ON ME FROM BEHIND WHEN MY BACK WIS TO THE  
 WALL IN QUEENS CENTER SHOPPING MALL

about Five White Male & one Female Police  
 beat me up with kicks and punches to the head  
 Then Took me to the police station house 112 pd  
 While in the cell there police did not give me  
 anything my phone can when I request for a  
 Lawyer call they took they time to help me  
 when I was Hand Cuffed naked behind my back  
 no clothes on my body they began frisking me  
 with hands and feet doing me bodily harm  
 while being naked in cell in 112 station house  
 There was inappropriate touching on my body  
 BY Touching me I WAS being strip searched

### III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

BY OFFICER KLEIN AND OTHER POLICE  
 THEY STRIP ME WHILE IN THE CELL  
 THEY MADE ME SPREAD MY LEGS WIDE TO EXPOSE  
 MY BUTTCK THE POLICE KLEIN PUT HIS FINGER  
 AROUND MY ANUS WHILE FRISKING ME  
 TO SEE IF I WAS HIDDING CONTRABAND

### IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

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2. If you did not file a grievance but informed any officials of your claim, state who you informed, when and how, and their response, if any:

NO X RAYS ON MY HEAD  
THEY REFUSE TO GIVE ME  
WHAT I REQUEST FOR

- G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

MEDICAL RECORDS  
SHOWS I MADE COMPLAINT  
ABOUT MY HEAD AND LEG, AND BACK

**Note:** You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

**V. Relief:**

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount). 10.10 MILLION AND ORDER OF  
PRIVACY AND REPARATIONS FROM RACIAL  
DISCRIMINATION, ASSAULTS, SEXUAL ASSAULTS AND  
ANY KIND OF HATE CRIMES AND STOP SEARCH  
BY OFFICER FROM NYPD

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**VI. Previous lawsuits:****On these claims**

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes  No 

- B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff \_\_\_\_\_

Defendants \_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county) \_\_\_\_\_

3. Docket or Index number \_\_\_\_\_

4. Name of Judge assigned to your case \_\_\_\_\_

5. Approximate date of filing lawsuit \_\_\_\_\_

6. Is the case still pending? Yes  No

If NO, give the approximate date of disposition \_\_\_\_\_

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?)  
\_\_\_\_\_

**On other claims**

- C. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?

Yes  No 

- D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff \_\_\_\_\_

Defendants \_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county) \_\_\_\_\_

3. Docket or Index number \_\_\_\_\_

4. Name of Judge assigned to your case \_\_\_\_\_

5. Approximate date of filing lawsuit \_\_\_\_\_

6. Is the case still pending? Yes  No

If NO, give the approximate date of disposition \_\_\_\_\_

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APPEAL BY

state of NEW YORK)  
county BRONX )

RAYMOND DAVIS being duly sworn deposes and says  
That I have on this 11 day of August 2011  
Placed and submitted in  
the Postal receptacle in the New York City com m.  
Known as the VERNON G. BAIN center  
One Halleck state Bronx New York 10474 A Notice of  
Writ For A Federal HABEAS CORPUS  
To be duly mailed via the United States Postal Service  
To the Following parties in the above action:

DANIEL PATRICK MOYNHAW white states courthouse  
500 Pearl Street Room 230  
NEW YORK NEW YORK 10007

Hon Eric Schneiderman  
Attorney General State of NY  
120 Broadway 24th Floor  
NY NY 10271

Sworn to before me this

28 day of July 2011

WITNESS Public

STATE OF NEW YORK  
Suffolk County, New York  
Commission Expires June 1, 2014

Raymond Davis

To bring and Produce Petitioner before a Justice of  
The Supreme Court of the  
STATE OF NEW YORK at the Federal courthouse located at Manhattan,  
SOUTHERN DISTRICT of New York there or on the 8th West 14th Street  
at 10:00 in the forenoon of that day or as soon thereafter  
defendant or counsel can be heard for hearing and  
determination concerning the detention of Petitioner  
should not be given his liberty and why he should ~~not~~  
have such other relief or to as the court may see fit  
and proper

DATE: \_\_\_\_\_ 2011  
MANHATTAN, NY

John Doe, Jr.  
Petitioner PRO SE

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County of Manhattan

the People of the United State of  
New York Petition  
- Against... Rufus M. Davis  
Warden

## WAIVE OF EXTRADITION PROCEDURES

**Defendant**

## GREETINGS

I RAYMOND DAVIS A Fugitive From the State of NY,  
RAYMOND DAVIS being charged in the city of Queens  
Crimes # 120-05 155-25 having been taken into my  
hands \_\_\_\_\_ A Justice of the Federal Court of  
RAYMOND DAVIS and by him informed of my right  
to counsel and of my rights to the issuance and  
service of a warrant of extradition as provided  
for in Article 570 of the Criminal Procedure Law  
and of my right to test legality of arrest by applying  
for a Federal writ of habeas corpus for that  
purpose do hereby waive of issuance and service of  
said warrant of extradition and the issuance  
of a writ of habeas corpus and all other procedure  
incidental to extradition proceedings, etc.  
Consent to return to the state of New York.

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7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) \_\_\_\_\_

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 16 day of May, 2012.

Signature of Plaintiff

Inmate Number

Institution Address

*Raymond Davis*

**Note:** All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, I am delivering this complaint to prison authorities to be mailed to the Pro Se Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff:

*Raymond Davis*

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STATE OF NEW YORK )  
COUNTY BRONX )

RAYMOND DAVIS being duly sworn deposes and says  
that I have on this 1<sup>st</sup> day of August 2001  
Placed and submitted in  
the Postal receptacle in the New York City post office  
Known as the VERNON E. BAIN center  
One Halleck street BRONX NEW YORK 10461-1100  
writ for A Federal HABEAS CORPUS  
To be duly mailed via the U.S. Post Office  
To the following parties in the above case:

DANIEL PATRICK MOYNHAN white states courthouse  
500 PEARL street Room 230  
NEW YORK NEW YORK 10007

Hon Eric Schneiderman  
Attorney General State of New York  
120 Broadway 24th Floor  
NY NY 10271

sworn to before me this

28 DAY OF JULY 2011

MILANO  
House of New York

~~NUTLEY Publishing~~

Raymond Davis

